

By: Guillen

H.B. No. 225

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of certain offenses involving
3 controlled substances and other prohibited drugs, substances, or
4 paraphernalia.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 481.115, Health and Safety Code, is
7 amended by adding Subsection (g) to read as follows:

8 (g) It is a defense to prosecution for an offense punishable
9 under Subsection (b) that the actor:

10 (1) requested emergency medical assistance in
11 response to the possible overdose of the actor or another person;

12 (2) was the first person to make a request for medical
13 assistance under Subdivision (1); and

14 (3) if the actor requested emergency medical
15 assistance in response to the possible overdose of another person:

16 (A) remained on the scene until the medical
17 assistance arrived; and

18 (B) cooperated with medical assistance and law
19 enforcement personnel.

20 SECTION 2. Section 481.1151, Health and Safety Code, is
21 amended by adding Subsection (c) to read as follows:

22 (c) It is a defense to prosecution for an offense punishable
23 under Subsection (b)(1) that the actor:

24 (1) requested emergency medical assistance in

1 response to the possible overdose of the actor or another person;
2 (2) was the first person to make a request for medical
3 assistance under Subdivision (1); and
4 (3) if the actor requested emergency medical
5 assistance in response to the possible overdose of another person:
6 (A) remained on the scene until the medical
7 assistance arrived; and
8 (B) cooperated with medical assistance and law
9 enforcement personnel.

10 SECTION 3. Section 481.116, Health and Safety Code, is
11 amended by adding Subsection (f) to read as follows:

12 (f) It is a defense to prosecution for an offense punishable
13 under Subsection (b) that the actor:
14 (1) requested emergency medical assistance in
15 response to the possible overdose of the actor or another person;
16 (2) was the first person to make a request for medical
17 assistance under Subdivision (1); and
18 (3) if the actor requested emergency medical
19 assistance in response to the possible overdose of another person:
20 (A) remained on the scene until the medical
21 assistance arrived; and
22 (B) cooperated with medical assistance and law
23 enforcement personnel.

24 SECTION 4. Section 481.1161, Health and Safety Code, is
25 amended by adding Subsection (c) to read as follows:

26 (c) It is a defense to prosecution for an offense punishable
27 under Subsection (b)(1) or (2) that the actor:

1 (1) requested emergency medical assistance in
2 response to the possible overdose of the actor or another person;

3 (2) was the first person to make a request for medical
4 assistance under Subdivision (1); and

5 (3) if the actor requested emergency medical
6 assistance in response to the possible overdose of another person:

7 (A) remained on the scene until the medical
8 assistance arrived; and

9 (B) cooperated with medical assistance and law
10 enforcement personnel.

11 SECTION 5. Section 481.117, Health and Safety Code, is
12 amended by adding Subsection (f) to read as follows:

13 (f) It is a defense to prosecution for an offense punishable
14 under Subsection (b) that the actor:

15 (1) requested emergency medical assistance in
16 response to the possible overdose of the actor or another person;

17 (2) was the first person to make a request for medical
18 assistance under Subdivision (1); and

19 (3) if the actor requested emergency medical
20 assistance in response to the possible overdose of another person:

21 (A) remained on the scene until the medical
22 assistance arrived; and

23 (B) cooperated with medical assistance and law
24 enforcement personnel.

25 SECTION 6. Section 481.118, Health and Safety Code, is
26 amended by adding Subsection (f) to read as follows:

27 (f) It is a defense to prosecution for an offense punishable

1 under Subsection (b) that the actor:

2 (1) requested emergency medical assistance in
3 response to the possible overdose of the actor or another person;

4 (2) was the first person to make a request for medical
5 assistance under Subdivision (1); and

6 (3) if the actor requested emergency medical
7 assistance in response to the possible overdose of another person:

8 (A) remained on the scene until the medical
9 assistance arrived; and

10 (B) cooperated with medical assistance and law
11 enforcement personnel.

12 SECTION 7. Section 481.119, Health and Safety Code, is
13 amended by adding Subsection (c) to read as follows:

14 (c) It is a defense to prosecution for an offense under
15 Subsection (b) that the actor:

16 (1) requested emergency medical assistance in
17 response to the possible overdose of the actor or another person;

18 (2) was the first person to make a request for medical
19 assistance under Subdivision (1); and

20 (3) if the actor requested emergency medical
21 assistance in response to the possible overdose of another person:

22 (A) remained on the scene until the medical
23 assistance arrived; and

24 (B) cooperated with medical assistance and law
25 enforcement personnel.

26 SECTION 8. Section 481.121, Health and Safety Code, is
27 amended by adding Subsection (c) to read as follows:

1 (c) It is a defense to prosecution for an offense punishable
2 under Subsection (b)(1) or (2) that the actor:

3 (1) requested emergency medical assistance in
4 response to the possible overdose of the actor or another person;

5 (2) was the first person to make a request for medical
6 assistance under Subdivision (1); and

7 (3) if the actor requested emergency medical
8 assistance in response to the possible overdose of another person:

9 (A) remained on the scene until the medical
10 assistance arrived; and

11 (B) cooperated with medical assistance and law
12 enforcement personnel.

13 SECTION 9. Section [481.125](#), Health and Safety Code, is
14 amended by adding Subsection (g) to read as follows:

15 (g) It is a defense to prosecution for an offense under
16 Subsection (a) that the actor:

17 (1) requested emergency medical assistance in
18 response to the possible overdose of the actor or another person;

19 (2) was the first person to make a request for medical
20 assistance under Subdivision (1); and

21 (3) if the actor requested emergency medical
22 assistance in response to the possible overdose of another person:

23 (A) remained on the scene until the medical
24 assistance arrived; and

25 (B) cooperated with medical assistance and law
26 enforcement personnel.

27 SECTION 10. Section [483.041](#), Health and Safety Code, is

1 amended by adding Subsection (e) to read as follows:

2 (e) It is a defense to prosecution for an offense under
3 Subsection (a) that the actor:

4 (1) requested emergency medical assistance in
5 response to the possible overdose of the actor or another person;

6 (2) was the first person to make a request for medical
7 assistance under Subdivision (1); and

8 (3) if the actor requested emergency medical
9 assistance in response to the possible overdose of another person:

10 (A) remained on the scene until the medical
11 assistance arrived; and

12 (B) cooperated with medical assistance and law
13 enforcement personnel.

14 SECTION 11. Section [485.031](#), Health and Safety Code, is
15 amended by adding Subsection (c) to read as follows:

16 (c) It is a defense to prosecution for an offense under
17 Subsection (a) that the actor:

18 (1) requested emergency medical assistance in
19 response to the possible overdose of the actor or another person;

20 (2) was the first person to make a request for medical
21 assistance under Subdivision (1); and

22 (3) if the actor requested emergency medical
23 assistance in response to the possible overdose of another person:

24 (A) remained on the scene until the medical
25 assistance arrived; and

26 (B) cooperated with medical assistance and law
27 enforcement personnel.

1 SECTION 12. This Act takes effect September 1, 2015.